



RECEIPT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harpold, et al.

Serial No.: 07/938,154

Filed: November 30, 1992

For: **HUMAN NEURONAL NICOTINIC
ACETYLCHOLINE RECEPTOR
COMPOSITIONS AND METHODS
EMPLOYING SAME**

Art Unit: 1812

Examiner: Ulm, J.

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this date.

04/03/97
Date

Patricia Munoz

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**TRANSMITTAL OF
SECOND REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is a Second Request for Corrected Official Filing Receipt, copies of the Declaration, Decision on Petition dated January 7, 1997 and February 22, 1994, and revised Official Filing Receipt, for filing in connection with the above-identified application. It is believed no fee is due in connection with the filing of this document. However, should it be determined that a fee for filing this paper is required, the Commissioner is authorized to charge Deposit Account No. 02-4070, as stated below:

The Commissioner is hereby authorized to charge any fee, including that submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 02-4070. A duplicate of this sheet is enclosed.

Respectfully submitted,
BROWN, MARTIN, HALLER & McCLAIN

By:

Stephanie L. Seidman
Registration No. 33,779

Attorney Docket No. 6362-9380
Address all correspondence to:
BROWN, MARTIN, HALLER & McCLAIN
1660 Union Street
San Diego, California 92101-2926
Telephone: 619/238-0999
EMAIL sseidman@BMHM.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harpold, *et al.*

Serial No.: 07/938,154

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For: **HUMAN NEURONAL NICOTINIC
ACETYLCHOLINE RECEPTOR
COMPOSITIONS AND METHODS
EMPLOYING SAME**

Art Unit: 1812

Examiner: Ulm, J.

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Application Processing Division, Customer Correction Branch, Washington, D.C. 20231, on this date.

04/03/97
Date


Patricia Munoz

SECOND REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The recently received Official Filing Receipt erroneously lists the filing date of the above-captioned application, and fails to set forth the claimed priority. The correct filing date is 11/30/92. Furthermore, this application is a continuation-in-part of U.S. application Serial No. 08/504,455, filed April 3, 1990. A claim for priority was properly made in the application as filed in the DECLARATION.

Attention is directed to the attached Decision on Petition, dated January 7, 1997, noting that this application has been granted a filing date of 30 November 1992 under 35 U.S.C. §371(c) and 103(e). Reference is made to an earlier Decision on Petition (copy also enclosed), dated February 22 1994, in which this filing date was granted. In particular, attention is directed to page 2, which indicates under the Heading "CONCLUSION" that this application will be given an international filing date of 30 November 1992 under 35 U.S.C. 371(c) and 102(e). A copy of this Petition, with the relevant portion highlighted, is enclosed.



1997U.S.S.N. 07/938,154
REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

A copy of the executed DECLARATION filed in this case is also provided.

This DECLARATION claims priority under 35 U.S.C. §120 to the parent application U.S. application Serial No. 08/504,455, filed April 3, 1990. Therefore, reference to the parent application should also appear on the corrected filing receipt.

Correction of the filing receipt and issuance of a corrected filing receipt is respectfully requested. A revised copy of the Official Filing Receipt, as well as the above-noted papers, are attached hereto.

* * *

In view of the above amendments and remarks, reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,
BROWN, MARTIN, HALLER & McCLAIN

By:



Stephanie L. Seidman
Registration No. 33,779

Attorney Docket No. 6362-9380
Address all correspondence to:

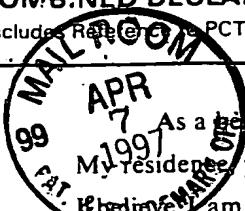
BROWN, MARTIN, HALLER & McCLAIN
1660 Union Street
San Diego, California 92101-2926
Telephone: 619/238-0999
EMAIL sseidman@BMHM.com

COMBINED DECLARATION FOR PCT/USMEN APPLICATION AND POWER OF ATTORNEY

(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER

51247



As a below named inventor, I hereby declare that:

My residence post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HUMAN NEURONAL NICOTINIC ACETYLCHOLINE RECEPTORCOMPOSITIONS AND METHODS EMPLOYING SAME

the specification of which (check only one item below):

is attached hereto.
 was filed as United States application.

Serial No. _____

on _____,

and was amended

on _____ (if applicable).

was filed as PCT international application

Number PCT/US91/02311on 03 April 1991 (03.04.91),

and was amended under PCT Article 19

on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

APR
99
FAT
1991
11/11/92

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
504,455	03 April 1990 (03.04.90)		X	

PCT APPLICATIONS DESIGNATING THE U.S.

PCT APPLICATION NO	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

(CONTINUED ON REVERSE SIDE)

Morgan L. Fitch, Jr.	17,023	John F. Flannery	19,759	R. Steven Pinkstaff	20,448
Francis A. Even	16,880	Robert B. Jones	20,135	James J. Hamill	19,958
Julius Tabin	16,754	James J. Schumann	20,856	Phillip H. Watt	25,939

Send Correspondence to:		FITCH, EVEN, TABIN & FLANNERY 135 South LaSalle Street, Suite 900 Chicago, Illinois 60603-4277 U.S.A.	Direct Telephone Calls to: (name and telephone number) (312) 372-7842
-------------------------	--	--	---

201	FULL NAME OF INVENTOR	FAMILY NAME HARPOLD	FIRST GIVEN NAME Michael	SECOND GIVEN NAME Miller
	RESIDENCE & CITIZENSHIP	CITY El Cajon	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 15630 Creek Hills Road	CITY El Cajon	STATE & ZIP CODE/COUNTRY California 92021
202	FULL NAME OF INVENTOR	FAMILY NAME ELLIS	FIRST GIVEN NAME Steven	SECOND GIVEN NAME Bradley
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 8939 Oviedo Street	CITY San Diego	STATE & ZIP CODE/COUNTRY California 92129
203	FULL NAME OF INVENTOR	FAMILY NAME BRUST	FIRST GIVEN NAME Paul	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 4019 Carmel Springs Way	CITY San Diego	STATE & ZIP CODE/COUNTRY California 92130

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 Michael Miller Harpold November 11, 1992	SIGNATURE OF INVENTOR 202 Steven Bradley Ellis November 11, 1992	SIGNATURE OF INVENTOR 203 Paul Brust November 11, 1992
DATE Michael Miller Harpold November 11, 1992	DATE Steven Bradley Ellis November 11, 1992	DATE Paul Brust November 11, 1992

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER
35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
504,455	03 April 1990 (03.04.90)	X		
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)		

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)
(CONTINUED ON REVERSE SIDE)

Morgan L. Fitch, Jr.	17,023	John F. Flannery	19,759	R. Steven Pinkstaff	20,448
Francis A. Even	16,880	Robert B. Jones	20,135	James J. Hamill	19,958
Julius Tabin	16,754	James J. Schumann	20,856	Phillip H. Watt	25,939

Send Correspondence to:

FITCH, EVEN, TABIN & FLANNERY
135 South LaSalle Street, Suite 900
Chicago, Illinois 60603-4277
U.S.A.

Direct Telephone Calls to:
(name and telephone number)

(312) 372-7842

201	FULL NAME OF INVENTOR	FAMILY NAME AKONG	FIRST GIVEN NAME Michael	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 13160 Jane Court	CITY San Diego	STATE & ZIP CODE/COUNTRY California 92129
202	FULL NAME OF INVENTOR	FAMILY NAME VELICELEBI	FIRST GIVEN NAME Gonul	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY San Diego	STATE OR FOREIGN COUNTRY California 92130	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 4688 Tarantella Lane	CITY San Diego	STATE & ZIP CODE/COUNTRY California 92130
203	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE	DATE	DATE
		
Michael Akong November 11, 1992	Gonul Velicelebi 11 - 11 - 1992	



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Q7 JUN 1997

STEPHANIE L. SEIDMAN, ESQ.
BROWN, MARTIN, HALLER & MCCLAIN
1660 UNION STREET
SAN DIEGO, CALIFORNIA 92101-2926

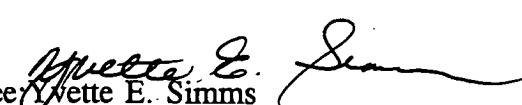
In re Application of : DECISION ON
HARPOLD ET. AL. :
Application No.: 07/938,154 :
PCT No.: PCT/US91/02311 : PETITION
International Filing Date: 03 APRIL 1991 :
Priority Date: 03 APRIL 1991 :
For: HUMAN NEURONAL NICOTINIC ACETYLCHOLINE RECEPTOR
COMPOSITIONS AND METHODS EMPLOYING SAME :

This decision is in response to applicant's communication filed 01 AUGUST 1996, which is being treated as a renewed petition under 37 CFR 1.81 requesting correction of the filing receipt mailed by the office. No petition fee is required.

A decision on Petition under 37 CFR 1.181 dated 22 February 1994 concluded that this application be granted a filing date of 30 November 1992 under 35 USC 371(c) and 103(e).

This filing date has not been corrected and is being forwarded to the Application Division for the preparation and mailing of a corrected filing receipt.


Richard B. Lazarus
Supervisory PCT Legal Examiner
PCT Legal Office


Conferee Yvette E. Simms
Paralegal Specialist
PCT Legal Office

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Patent and Trademark Office

United States Receiving Office
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United States Designated Office
United States Elected Office

Address: Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

22 FEB 1994

FITCH, EVEN, TABIN & FLANNERY
135 South LaSalle Street, Suite 900
Chicago, Illinois 60603-4277

In re Application of	:	
HARPOLD et al	:	DECISION ON
Serial No.: 07/938,154	:	
PCT No.: PCT/US91/02311	:	PETITION
Int. Filing Date: 03 April 1991	:	
Priority Date: 03 April 1990	:	UNDER 37 CFR 1.181
For: HUMAN NEURONAL NICOTINIC	:	
ACETYLCHOLINE RECEPTOR	:	
COMPOSITIONS AND METHODS	:	
EMPLOYING SAME	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Unavoidably Abandoned Under 37 C.F.R. 1.137(a)" filed 09 August 1993 which is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 03 April 1991, applicant filed international application PCT/US91/02311, which claimed priority of an earlier U.S. application filed 03 April 1990. A Demand for international preliminary examination, in which the United States was elected, was timely filed on 31 October 1991. Accordingly, the thirty-two month period for entering the national stage in the United States expired at midnight on 03 December 1992.

On 30 November 1992, applicant completed all the requirements under 35 U.S.C. 371 for entry into the national stage in the United States.

On 21 June 1993, the United States Designated/Elected Office mailed a Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903). The notification indicated an international filing date of 03 April 1991 and a 35 U.S.C. 371 and 102(e) date of 30 November 1992.

On 16 July 1993, Application Processing Division mailed A NOTICE OF INCOMPLETE APPLICATION (Form PTO-1123) indicating that Figure 9 was needed, a NOTICE TO FILE MISSING PARTS OF APPLICATION -- NO FILING DATE (Form PTO-1532) indicating that the

oath or declaration did not cover items required on the Notice of Incomplete Application and the application did not comply with the Sequence Rules, and NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE.

On 22 October 1993, applicant filed an amendment to the specification which contains the sequence listing and a Computer Readable Form (CRF) of the Sequence Listing.

COMPLETENESS OF DRAWINGS

The Receiving Office notified applicants in the INVITATION TO CORRECT DEFECTS IN THE INTERNATIONAL APPLICATION mailed 06 May 1991 that the drawings were improper and that new sheet of drawings were required. On 06 June 1991, applicant filed replacement sheets with the United States Receiving Office. The replacement sheets were accepted by the United States Receiving Office and made an official part of the international application. Therefore, the international application is complete. Applicant has fully complied with 37 U.S.C. 371, and the specification and drawings of the international application are acceptable for entry into the national stage in the United States. Accordingly, the NOTICE OF INCOMPLETE APPLICATION (form PTO-1123) and NOTICE TO FILE MISSING PARTS OF APPLICATION -- NO FILING DATE (form PTO-1532) erroneously mailed out by Application Processing Division are VACATED.

POWER OF ATTORNEY

It is noted that the Mr. William T. Comer, President and Chief Executive Officer, The Salk Institute Biotechnology/Industrial Associates, Inc, purporting to be the assignee of the present invention has filed a change in the Power of Attorney. It is noted that an assignment has not been recorded in the present application. For the assignee to take action in an application, the assignee must establish the right to take action as set forth in 37 CFR 3.73(b). See MPEP § 324. Therefore, this decision is being mailed to Fitch, Even, Tabin & Flannery, the law office of the attorneys of record.

CONCLUSION

This application will be given an international filing date of 03 April 1991 under 35 U.S.C. 363 and a date of 30 November 1992 under 35 U.S.C. 371(c) and 102(e).

This application will be forwarded to Application Processing

Division for processing including consideration of the Sequence Listing and the Computer Readable Form (CRF) of the Sequence Listing filed on 22 October 1993.

Leonard E. Smith

Leonard E. Smith
Legal Examiner
International Division



Conferee: Charles A. Pearson
Administrator
International Division



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
07/938,154	04/03/91	1812	\$840.00	51247		11	1

STEPHANIE L SEIDMAN
BROWN MARTIN HALLER & MCCLAIN
1660 UNION STREET
SAN DIEGO CA 92101-2926

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

MICHAEL M. HARPOLD, EL CAJON, CA; STEVEN B. ELLIS,
SAN DIEGO, CA; PAUL BRUST, SAN DIEGO, CA; MICHAEL AKONG,
SAN DIEGO, CA; GONUL VELICELEBI, SAN DIEGO, CA.

CONTINUATION-IN-PART

08/504,455

04/03/90

FOREIGN/PCT APPLICATIONS-PCT

PCT/US91/02311 04/03/91

FOREIGN FILING LICENSE GRANTED 03/28/94

TITLE

HUMAN NEURONAL NICOTINIC ACETYLCHOLINE RECEPTOR COMPOSITIONS AND METHODS EMPLOYING SAME

PRELIMINARY CLASS: 435

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "FOREIGN FILING LICENSE GRANTED" followed by a date appears on the reverse side of this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.11. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.62 which meets the provisions of 37 CFR 5.15(a). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR Parts 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "FOREIGN FILING LICENSE GRANTED" DOES NOT appear on the reverse side of this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

DELE 10/00

RECEIVED SLS 1-28-97